

INDIANA COMMISSION ON PUBLIC RECORDS

INSTRUCTIONS ON CONDUCTING A MEETING FOR CLERKS OF THE CIRCUIT COURTS AND COUNTY COMMISSIONS OF PUBLIC RECORDS

IC 5-15-5.1-14

"A public official or agency may not mutilate, destroy, sell, loan, or otherwise dispose of any government record, except under a record retention schedule or with written consent of the (Indiana) commission (on public records)."

I. BEFORE THE MEETING –PREPARATION

Prior to a planned meeting of a County Commission of Public Records, the Clerk (or other designated member of the County Commission) should:

A. **Assemble a list of county commission members** (as set forth in Indiana Code 5-5-6-1) that will consist of:

- 1) the judge of the circuit court;
- 2) the clerk of the court;
- 3) the president of the board of county commissioners;
- 4) the county auditor;
- 5) the county recorder;
- 6) the superintendent of schools of the school district in which the county seat is located;
- 7) the city controller of the county seat city (if there is no city controller, the clerk-treasurer of the county seat city or town will be the designated member of the commission).

B. **Assemble a list of the local government units** in the county that will consist of:

- 1) county offices;
- 2) cities and towns offices;
- 3) township offices;
- 4) public libraries;
- 5) public schools and;
- 6) multi-county (regional) units and/or special districts.

C. **Send copies of PR-1's** (State Form 30505: Request for Permission to Destroy or Transfer Certain Public Records) to each local government unit with a letter or memo and deadline for response **requiring** them to:

- 1) **prepare** PR-1's, listing all records which are not on an approved retention schedule and, therefore, need authorization by the county commission of public records and permission from the ICPR for transfer or destruction;
- 2) **review** PR-1's for compliance with the *APPROVED RETENTION SCHEDULE FOR EACH COUNTY/LOCAL OFFICE*, i.e., only those records which are not on an approved retention schedule should be listed for transfer or destruction on a PR-1 (SF30505);
- 3) submit photocopies of completed PR-1's to the Clerk prior to the meeting in order for the Clerk to set the Agenda.

(PREPARATION FOR MEETING, continued):

D. **Send** copies of (State Form 44905) Notice of Destruction to each local government unit **requiring** them to:

- 1) **prepare** Notices of Destruction, listing all records which appear on an approved retention schedule and meet the prescribed retention period as defined by the Indiana Commission on Public Records;
- 2) **review** the completed Notices of Destruction for compliance with the *APPROVED RETENTION SCHEDULE FOR EACH COUNTY/LOCAL OFFICE, i.e., all records that are on an approved retention schedule should be listed on the short Notice of Destruction form;*
- 3) **request** that they bring photocopies of the completed Notices of Destruction to the county commission meeting to be given to the Clerk for inclusion in the official minutes; thus creating a permanent public record for each local government unit's records destruction cycle.

E. **Post** a copy of the meeting agenda and announcement as prescribed by IC 5-14-1.5-4 Section 4 (a):

A governing body of a public agency utilizing an agenda shall post a copy of the agenda at the entrance to the location of the meeting prior to the meeting, and by IC 5-14-1.5-5 Section 5 (a):

- ◆ *Public notice of the date, time, and place of any meetings, executive sessions, or any rescheduled or reconvened meetings, shall be given at least forty-eight hours (excluding Saturdays, Sundays, and legal holidays) before the meeting.*

And by

IC 5-14-1.5-5 (Section 5 (b):

- ◆ *Public notice shall be given by the governing body of a public agency by*
 - (1) posting a copy of the notice at the principal office of the public agency holding the meeting, or*
 - (2) depositing it in the US mail or by delivering to all news media..*

F. **Inform** county historical and/or genealogical societies of meeting plans.

II. CONDUCTING THE MEETING

- A. **Select** a chairperson to preside over the meeting, if one has not been appointed previously;
- B. **Take (and record)** minutes;
- C. **Present and adopt** any new (or previously not-adopted) retention schedules approved by the State Oversight Committee on Public Records (OCPR) and received by the Clerk from the (ICPR) Indiana Commission on Public Records;
- D. **Review** PR-1's (Request for Permission to Destroy or Transfer Certain Public Records) submitted by each local government unit;
- E. **Vote and approve** presented PR-1's for authorization to be sent to the ICPR;
- F. **Sign and date** all actions taken on PR-1's (Secretary and Chairperson);
- G. **Sign and date** cover sheets from newly adopted county retention schedules;
- H. **Discuss** any other official business related to public records (for example, put on record the date when local units sent their completed Notices of Destruction to the ICPR and the date on which the records are scheduled for destruction);
- I. **Determine** the date of the next meeting of the county commission of public records;
- J. **Adjourn** meeting.

III. AFTER THE MEETING -RESPONSIBILITIES

The Clerk, as Secretary of the County Commission of Public Records should:

- A. **Send** the authorized and signed PR-1's, a copy of the agenda, a copy of the official minutes of the meeting and signed cover sheets for all newly adopted county retention schedules to the ICPR:
INDIANA COMMISSION ON PUBLIC RECORDS
402 WEST WASHINGTON STREET, W472
INDIANAPOLIS, IN 46204
- B. **Send** copies of the authorized and signed PR-1's to the county historical and/or genealogical societies for review;
- C. **Place** the agenda and the meeting minutes in a Permanent File in the Office of the Clerk of the Circuit Court;
- D. **Notify** the appropriate local government units upon receipt of a letter granting permission for the transfer or destruction of records from the ICPR -County and Local Records Management Director/Coordinator; and **direct** each office to dispose of or transfer the records according to instructions from the County Commission of Public Records and the ICPR.